

# 106<sup>th</sup> TN General Assembly

## First Regular Session



**Tuesday, March 24, 2009**

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### SENATE

#### COMMITTEE REPORTS

COMMERCE, LABOR & AGRICULTURE – SHR #12 – 1:30 p.m. –

Rec. for pass., ref to Calendar – SB's 1971, 1713, 469.

Rec. for pass., ref to FW&M – SB 1931.

Action def. – SB's 1954, 1176, 650, 1456, 247, 1204, 727, 1627, 41, 59.

EDUCATION – SHR #12 – 3:30 p.m. –

Rec. for pass., ref to Calendar – SB's 1740, 37, 771.

Rec. for pass. if am., ref to Calendar – SB's 1703, 1541.

Rec. for pass., ref to FW&M – SB 311.

Action def. – SB 1884.

Ref. to Gen. Sub. – SB's 798, 48, 1464.

ENVIRONMENT, CONSERVATION & TOURISM – SHR #12 – 11:30 a.m. –

Rec. for pass., ref to Calendar – SB's 2038, 6.

Rec. for pass. if am., ref to Calendar – SB's 185, 881.

Rec. for pass. if am., ref to FW&M – SB 1312.

Action def. – SB's 280, 1335.

Ref. to Gen. Sub. – SB 1128.

STATE & LOCAL GOVERNMENT – SHR #12 – 8:30 a.m. –

Rec. for pass., ref to Calendar – SB's 912, 919, 445, 550, 551, 2039, 1917, 1939, 1947, 2233, 168, 169.

Rec. for pass. if am., ref to Calendar – SB's 1209, 124.

Rec. for pass., ref to FW&M – SB's 1979, 2064, 2149.

Rec. for pass. if am., ref to FW&M – SB's 322, 1443, 166.

Rec. for adopt., ref to Calendar – SR 35, SJR's 153, 158, 159

Rec. for concur., ref to Calendar – HJR 177.

Action def. – SB's 832, 811, 1288, 1999, 748, 2191, 164, 2093, 695, 1184, 872, 1955, 120.

Ref. to Gen. Sub. – SB's 1564, 1467.

TRANSPORTATION – SHR #12 – 10:30 a.m. –

Rec. for pass., ref to Calendar – SB's 1968, 1.

Rec. for pass. if am., ref to Calendar – SB's 712, 619.

Rec. for pass., ref to FW&M – SB's 1499, 1556, 2155, 1760, 2344, 1088.

Rec. for pass. if am., ref to FW&M – SB's 405, 1758, 1759, 1761, 387.

Action def. – SB's 536, 1967.

## CALENDARS FOR , MARCH , 2009

### Consent

1. **SJR 0167 by \*Barnes**  
Memorials, Sports - Harpeth High School Lady Indians, District 11-AA champions -
2. **SJR 0168 by \*Barnes**  
Memorials, Sports - Sycamore High School boys basketball -
3. **SJR 0170 by \*Ketron, Tracy**  
Memorials, Recognition - Donald and Alicia Blankenship, Young Farmer Achievement Award -
4. **SJR 0171 by \*Ketron**  
Memorials, Recognition - Dan and Cara June Strasser, National Young Farmer Excellence in Agriculture Award -
5. **SJR 0172 by \*Harper, Haynes, Henry**  
Memorials, Sports - Cameron High School men's basketball 55th anniversary -
6. **SJR 0173 by \*Yager**  
Memorials, Recognition - Robert Hiram Green -
7. **SJR 0174 by \*Yager**  
Memorials, Public Service - Sterling Haskel Ayers, South Campbell Rotary Club Citizen of the Year -
8. **SJR 0176 by \*Overbey**  
Memorials, Recognition - Sevier County Bank, 100th anniversary -
9. **SR 0045 by \*Faulk**  
Memorials, Personal Occasion - Frank and Juanita Catron, 75th anniversary -
10. **SR 0046 by \*Gresham**  
Memorials, Recognition - Sergeant Walter K. Singleton, Medal of Honor recipient -
11. **HJR 0205 by \*Fincher**  
Memorials, Recognition - Azurae Johnson -
12. **HJR 0206 by \*Hackworth, Winningham**  
Memorials, Sports - Clinton Middle School football team -
13. **HJR 0207 by \*Williams**  
Memorials, Professional Achievement - Ms. Patricia Roark, RN, Outstanding Faculty Member of the Year, Tennessee Technology Centers -
14. **HJR 0209 by \*Fincher**  
Memorials, Congratulations - Congratulates and honors Velma Elizabeth Thompson on her 95th birthday. -
15. **HJR 0211 by \*Fraley**  
Memorials, Recognition - Trinity Episcopal Church, 150th anniversary -
16. **HJR 0212 by \*Evans**  
Memorials, Personal Occasion - Tommy Joe and Dale Marie Haley, 50th anniversary -
17. **HJR 0214 by \*Cobb J**  
Memorials, Recognition - Colonel Wiley Harris, Distinguished Leaders Award -

### Consent #2:

1. **\*SB 0168 by \*Ketron, Stanley (HB 0306 by \*Sargent)**  
Planning, Public - As introduced, revises the time frame for the approval or disapproval of a plat by the municipal planning commission. - Amends TCA Title 13, Chapter 4, Part 3.
2. **\*SB 0169 by \*Ketron (HB 0309 by \*Sargent, McDonald, Brooks K)**  
Annexation - As introduced, revises the manner of amending the comprehensive growth plan after the initial three-year period following the approval of the initial growth plan. - Amends TCA Section 6-58-104(d).
3. **\*SB 0445 by \*Overbey (HB 0957 by \*McCord)**  
Industrial Development - As introduced, expands the membership of the board of an industrial development corporation among two or more municipalities; expands the type of obligations for which the corporation may mortgage and pledge any or all of its projects as security for their payment. - Amends TCA Title 7, Chapter 53.

(Consent Calendar #2 cont.)

**4. SB 0550 by \*Norris (\*HB 0305 by \*Sargent)**

Planning, Public - As introduced, revises exemptions from obtaining continuing education and filing requirements for professional planners whose duties include advising planning commission or boards of zoning appeals if such planners are members of the American Institute of Certified Planners. - Amends TCA Title 13.

**5. SB 0551 by \*Norris (\*HB 0307 by \*Sargent)**

Planning, Public - As introduced, allows platting regulations to provide for an assessment or other method for certain improvements to be provided by the appropriate governmental entity at cost to owners of property in subdivision, instead of completion of work prior to final approval of a plat. - Amends TCA Section 13-3-403(b).

**6. SB 0912 by \*Burks (\*HB 0580 by \*Fincher, Evans)**

State Symbols - As introduced, designates "milk" as the official state beverage. - Amends TCA Title 4, Chapter 1, Part 3.

**7. SB 0919 by \*Burks (\*HB 0278 by \*Fincher)**

State Symbols - As introduced, designates "agate" as the official state mineral. - Amends TCA Title 4, Chapter 1, Part 3.

**8. \*SB 1917 by \*Berke (HB 1558 by \*Dean)**

Purchasing - As introduced, authorizes the purchase of secondhand items by local governments as long as the general range of value of the item is documented through a listing in a recognized publication or through an appraisal and the price is no more than 10 percent of the documented range. - Amends TCA Section 12-3-1003.

**9. \*SB 1939 by \*Faulk (HB 1579 by \*Harrison)**

Alcoholic Beverages - As introduced, specifies that statutory cause of action for alcohol-related injuries is in addition to common law causes of action for such injuries. - Amends TCA Title 57, Chapter 10, Part 1.

**10. \*SB 1947 by \*Faulk (HB 1580 by \*Harrison)**

Alcoholic Beverages - As introduced, specifies that retailers are prohibited from selling intoxicating liquors to persons who are "visibly intoxicated" or accompanying a "visibly intoxicated" person rather than someone who is "drunk" or accompanying a "drunk" person. - Amends TCA Section 57-3-406 and Section 57-5-301.

**11. \*SB 2039 by \*Norris (HB 1989 by \*Fitzhugh)**

Taxes, Real Property - As introduced, requires county trustee to submit plan to comptroller regarding partial tax payments prior to the trustee's accepting partial payment of property taxes. - Amends TCA Title 67, Chapter 5.

**12. SB 2233 by \*Kyle, Haynes (\*HB 2288 by \*Tindell, Turner M)**

Public Property - As introduced, increases from \$5,000 to \$25,000 the amount of goods and services, for which a source of supply has not otherwise been established, that may be procured without requisitioning such goods or services through the department of general services. - Amends TCA Section 12-3-210.

**13. HJR 0177 by \*Miller L, Coley, Cooper B, DeBerry J, DeBerry L, Hardaway, Jones U, Kelsey, Kernell**  
Naming and Designating - "Kappa Alpha Psi Fraternity Day on the Hill," March 11, 2009 -

**14. \*SJR 0153 by \*Stewart, Tate, Barnes, Marrero B, Haynes, Berke, Kyle, Herron, Finney L, Jackson**  
General Assembly, Statement of Intent or Position - Expresses Tennessee's commitment to purchasing only products and services made or provided in the U.S. whenever and wherever possible with any economic recovery monies provided to Tennessee. -

**15. SJR 0158 by \*Burks, Finney L**

Naming and Designating - "National Crime Victims' Rights Week," April 26-May 2, 2009 -

**16. SJR 0159 by \*Burks, Finney L**

Naming and Designating - "Police Memorial Day," May 15, 2009, "Police Memorial Week," May 10-16, 2009 -

### Regular

1. **SB 0100 by \*Berke (\*HB 0213 by \*Harmon)**  
Highway Signs - As introduced, "Sheriff Ernest Haskew Memorial Highway," segment of S.R. 2 in Marion County. -
2. **SB 0242 by \*Gresham (\*HB 0244 by \*Rich)**  
Highway Signs - As introduced, "Eddie L. Niles Bridge," U.S. Highway 64 in City of Somerville, Fayette County. -
3. **SB 0268 by \*Tracy, Ketron (\*HB 0336 by \*Carr)**  
Highway Signs - As introduced, "Thomas Hutchinson Bridge," U.S. Highway 231 in Rutherford County. -
4. **SB 0389 by \*Gresham (\*HB 0440 by \*McDaniel)**  
Highway Signs - As introduced, "Joe 'Buddy' Bailey Memorial Bridge," State Route 227 in Wayne County. -
5. **\*SB 1208 by \*Woodson (HB 1452 by \*Coleman)**  
Victims' Rights - As introduced, confers immunity from civil action upon victim of crime for testimony given at offender's parole hearing unless testimony is intentionally false or defamatory. - Amends TCA Title 40.
6. **\*SB 2047 by \*McNally, Henry, Burchett (HB 1981 by \*Fitzhugh)**  
Water - As introduced, authorizes the Tennessee local development authority to charge administrative fees and expenses under the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997. - Amends TCA Title 68.
7. **\*HB 0990 by \*Lynn, Kernell, Cobb J (SB 0998 by \*Johnson, Ford, O.)**  
Sunset Laws - As introduced, terminates Gibson County water projects authority. - Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1.
8. **\*SR 0035 by \*Ramsey**  
General Assembly, Confirmation of Appointment - Nathaniel S. Goggans, Tennessee Ethics Commission -
9. **SB 1034 by \*Johnson (\*HB 1103 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, extends board of claims, June 30, 2010. - Amends TCA Title 4, Chapter 29 and Title 9, Chapter 8.
10. **SB 1046 by \*Johnson (\*HB 1034 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, extends Tennessee claims commission, June 30, 2010. - Amends TCA Title 4, Chapter 29 and Title 9, Chapter 8.
11. **SB 1011 by \*Johnson (\*HB 1079 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, extends department of financial institutions, June 30, 2010. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.
12. **SB 1012 by \*Johnson (\*HB 1080 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, extends department of economic and community development, June 30, 2010. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.
13. **SB 1058 by \*Johnson (\*HB 1025 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, extends interstate compact for supervision of adult offenders, June 30, 2010. - Amends TCA Title 4, Chapter 29 and Title 40, Chapter 28.
14. **\*SB 0356 by \*Johnson (HB 1042 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, terminates the child care facilities corporation. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 37.
15. **\*SB 0805 by \*Overbey (HB 1554 by \*Montgomery)**  
Courts, Municipal - As introduced, authorizes creation of city court in each home rule municipality that does not have a city court established by the local governing body. - Amends TCA Title 16 and Title 17, Chapter 1.
16. **\*SB 0355 by \*Johnson (HB 1035 by \*Lynn, Kernell, Cobb J)**  
Sunset Laws - As introduced, extends Tennessee advisory commission on intergovernmental relations, June 30, 2011. - Amends TCA Title 4, Chapter 10 and Title 4, Chapter 29.
17. **\*SB 0115 by \*Black, Beavers (HB 0453 by \*McDonald)**  
Highway Signs - As introduced, "Cora Cline Memorial Highway," segment of State Route 174 in Sumner County. -

(Regular Calendar cont.)

**18. SB 0853 by \*Black (\*HB 0329 by \*Jones S)**

Children's Services, Dept. of - As introduced, requires the department to consistently apply policies, rules, and regulations across the state; adds an annual legislative review of department rules, regulations, and policies; and requires the department to submit new policies for legislative review. - Amends TCA Title 37, Chapter 5, Part 1.

**19. SB 2105 by \*Woodson, Burchett (\*HB 1840 by \*Haynes)**

Registers of Deeds - As introduced, allows Knox County register to redact social security numbers on recorded documents maintained on computers or removable computer storage media. - Amends TCA Section 10-7-515.

**20. \*SB 0309 by \*Berke, Jackson, Ketron (HB 1736 by \*Fincher)**

Guns - As introduced, grants a shooting range that had been in operation for at least 30 years prior to December 16, 2008, the right to continue operating at the same location and such right shall not be amended, restricted, or terminated due to zoning changes. - Amends TCA Section 39-17-316.

**21. \*SB 0755 by \*Johnson (HB 1177 by \*Sargent)**

Taxes, Real Property - As introduced, specifies that if spouses file a joint federal income tax return the income of a property owner's spouse is attributable to the property owner for purposes of determining whether the property is eligible for property tax relief for elderly or disabled homeowners. - Amends TCA Title 67, Chapter 5, Part 7.

**22. \*SB 1214 by \*Black, Burks, Ford, O., Woodson, Gresham (HB 1877 by \*Richardson, Maggart, Pitts)**

Hospitals and Health Care Facilities - As introduced, clarifies that existing residents as well as new admissions qualify for hospice care in an assisted-care living facility; clarifies that hospice services are pursuant to a patient care plan. - Amends TCA Title 68.

**23. SB 1393 by \*Johnson (\*HB 1286 by \*Casada)**

Charitable Solicitations - As introduced, excludes nursing homes from the charitable solicitation statute. - Amends TCA Title 48.

**24. \*SB 1623 by \*Beavers (HB 1876 by \*Matheny)**

Consumer Protection - As introduced, excludes prepaid cards that are usable with multiple, unaffiliated sellers of goods or services and/or ATM machines from the gift certificate statute. - Amends TCA Title 47, Chapter 18, Part 1.

**25. \*SB 2049 by \*McNally, Henry, Burchett (HB 1979 by \*Fitzhugh)**

Utilities, Utility Districts - As introduced, reduces from three to two the number of consecutive years a utility district, water system, or wastewater facility must have a negative change in net assets in order to be considered financially distressed. - Amends TCA Section 7-82-703; Section 7-82-401 and Section 68-221-1010.

**SENATE CONVENES AT 9:00 A.M., THURSDAY, MARCH 26, 2009**

# HOUSE

## COMMITTEE REPORTS

### AGRICULTURE – HHR #29 – 9:15 a.m. –

Rec. for pass., ref to Govt. Ops. – HB 1512.

Failed – HB 2137.

### CALENDAR & RULES – HHR #16 – 8:00 a.m. –

Reg. Cal. 3/26 – HB's 921, 69, 1877, 54, 1665, 1056.

Con. Cal. 3/30 – HB's 218, 319, HJR 60, HB's 1451, 462, 1094, 1007, 998, 1011, 1096, 1012, 1060, 1063.

Action def. – HJR 51.

Re-Ref to FW&M – HB's 959, 66, 347, HJR 115, HB 985.

### COMMERCE – HHR #16 – 9:15 a.m. –

Rec. for pass., ref to C&R – HB 2025.

Rec. for pass. if am., ref to C&R – HB 380.

Rec. for adopt., ref to C&R – HJR 121.

Action def. – HB 1420.

### CONSERVATION & ENVIRONMENT – HHR #29 – 10:30 a.m. –

Rec. for pass., ref to C&R – HB's 1912, 2309.

Rec. for pass. if am., ref to FW&M – HB 1981.

Rec. for pass. if am., ref to Govt. Ops – HB 1245.

Action def. – HB 569.

### CONSUMER AFFAIRS – HHR #16 – 8:30 a.m. –

Action def. – HB's 764, 2218.

### FINANCE, WAYS & MEANS – HHR #16 – 1:30 p.m. –

Rec. for pass., ref to C&R – HB's 75, 340, 509.

Rec. for pass. if am., ref to C&R – HB's 231, 440, 470, 1463.

### HEALTH & HUMAN RESOURCES – HHR #16 – 10:30 a.m. –

Rec. for pass., ref to C&R – HB's 465, 1550, 1611, 1757, 1828.

Rec. for pass. if am., ref to C&R – HB's 93, 1551.

Rec. for concur., ref to C&R SJR 85.

Action def. – HB 2215.

### STATE & LOCAL GOVERNMENT – HHR #16 – 12:00 noon –

Rec. for pass., ref to C&R – HB 249.

Rec. for pass., ref to FW&M – HB 1745.

Rec. for pass. if am., ref to FW&M – HB 1653.

Failed – HB 443.

Action def. – HB's 563, 1357, 356, 726, 875, 876, 889, 957, 1117, 1573, 1720, 1845, 1978, 1979, 1989, 1990, 2042, 2242.

Taken off notice – HB 603.

### TRANSPORTATION – HHR #16 – 3:00 p.m. –

Rec. for pass., ref to FW&M – HB's 2179, 2140, 372, 1929.

Rec. for pass. if am., ref to FW&M – HB's 18, 731, 1581.

Rec. for adopt., ref to FW&M – HJR 78.

Action def. – HB's 1116, 1657, 1660, 366, 384.

## SUBCOMMITTEE REPORTS

### CIVIL PROCEDURE & PRACTICE – HHR #31 – 12:00 noon –

Rec. for pass. – HB's 409, 326, 2306.

Failed – HB 800.

Action def. – HB's 2254, 1771, 1772, 1832, 1637, 1554, 325, 1448, 1762, 711, 1394, 2370, 56, 527, 1848, 1450, 2243, 1736.

(Subcommittee Reports cont.)

ELECTIONS – HHR #16 –

Action def. – HB's 1857, 105, 779, 1719, 845, 614, 1770, 519, 1838.

Taken off notice – HB's 31, 294.

EMPLOYEE AFFAIRS – HHR #29 – 1:30 p.m. –

Rec. for pass. – HB 2092.

Failed – HJR 50.

Action def. – HB's 1916, 776, HJR 27, HB's 397, 1760, 1571.

ENVIRONMENT – HHR #29 –

Rec. for pass. – HB's 2294, 661.

Rec. for pass. if am. – HB's 1204, 2300.

Rec. for adopt. – HR 36.

Action def. – HB's 977, 941.

FAMILY JUSTICE – HHR #30 – 9:15 a.m. –

Rec. for pass. – HB 1439.

Rec. for pass. if am. – HB's 677, 329.

Action def. – HB's 542, 1207, 2159.

HIGHER EDUCATION – HHR #29 – 8:30 a.m. –

Action def. – HB's 1294, 1152, 880, 881, 2031, 1870, 1869, 1864, 1861, 1862, 1488, 1143, 1686, 1668, 839, 835, 1163, 1296, 870, 2008, 1544, 2130, 712.

Taken off notice – HB's 312, 313, 44, 6, 58, 43, 2342, 474, 1644, 2149, 511, 86, 227, 2066, 2122, 892.

PROFESSIONAL OCCUPATIONS – HHR #31 – 8:30 a.m. –

Action def. – HB's 106, 394, 635, 1114, 1353, 1465, 2303.

PUBLIC HEALTH & FAMILY ASSISTANCE – HHR #30 – 4:00 p.m. –

Rec. for pass. – HB's 2270, 50, 2041.

Rec. for pass. if am. – HB 1603.

Failed – HJR 61.

Action def. – HB's 445, 151.

Taken off notice – HB 2106.

PUBLIC SAFETY – HHR #16 –

Rec. for pass. – HB's 205, 1164, 253.

Rec. for pass. if am. – HB's 706, 1853.

Failed – HB 1511.

Action def. – HB's 36, 1605, 1265, 2052.

Taken off notice – HB's 1470, 685.

RURAL ROADS – HHR #31 – 1:30 p.m. –

Rec. for pass. – HB's 1382, 1480.

Rec. for adopt. – HJR 116.

Action def. – HB's 1165, 100.

Taken off notice – HB's 1416, 1417, 437.

SMALL BUSINESS – HHR #30 – 1:30 p.m. –

Rec. for pass. if am. – HB's 1375, 2199, 644.

Action def. – HB's 1846, 2085.

UTILITIES & BANKING – HHR #30 – 10:30 a.m. –

Rec. for pass. if am. – HB 1698.

Action def. – HB's 1349, 738, 1743, HJR 146.

Taken off notice – HB 57.

WILDLIFE – HHR #30 – 2:15 p.m. –

Rec. for pass. if am. – HB 1424.

Rec. for adopt. – HJR 149.

Action def. – HB's 361, 725, 958.

**HOUSE CONVENES AT 9:00 A.M., THURSDAY, MARCH 26, 2009**